

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SIX**

THE JPM COMPANY¹

Employer

and

UNITED FOOD AND COMMERCIAL WORKERS
INTERNATIONAL UNION, LOCAL 38, AFL-CIO²

Case 6-RC-11732

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Gerald McKinney, a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.³

Upon the entire record⁴ in this case, the Regional Director finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

¹ The name of the Employer appears as amended at the hearing.

² The name of the Petitioner appears as amended at the hearing.

³ Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by November 1, 1999.

⁴ Both the Employer and the Petitioner filed timely briefs in this matter which have been duly considered by the undersigned.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(l) and Section 2(6) and (7) of the Act.

As amended at the hearing, the Petitioner seeks to represent a unit of all full-time and regular part-time production and maintenance employees⁵ employed by the Employer at the Employer's Route 15, Lewisburg, Pennsylvania, facility; excluding all other employees, all temporary employees, clerical employees and guards and supervisors as defined in the Act.

Although the parties are in accord as to the composition of the unit, the Employer, contrary to the Petitioner, contends that the petitioned-for unit is too narrow in scope and that the only appropriate unit is one which includes its facilities located in both Lewisburg, Pennsylvania (herein the Lewisburg facility) and Beaver Springs, Pennsylvania (herein the Beaver Springs facility). There are approximately 371 employees in the petitioned-for unit employed at the Lewisburg facility. There are approximately 267 production and maintenance employees employed at the Beaver Springs facility. Thus, the unit which the Employer contends is appropriate would include approximately 638 employees. There is no history of collective bargaining for any of the employees in the petitioned-for unit, nor in the unit which the Employer contends is the appropriate one. At the close of the hearing, the Petitioner indicated that it is willing to proceed to an election in any alternate unit found to be appropriate.

⁵ At the hearing, the parties stipulated, and I find, that the engineering technicians are included in the unit inasmuch as they share a community of interest with the production and maintenance employees.

The Employer's Operation

The JPM Company (herein JPM), a Pennsylvania corporation, is engaged in the manufacture of cable assemblies that are installed in or connected to various types of equipment used in the banking, telecommunications and computer fields. The Employer's corporate offices are located on 15th Street in Lewisburg, Pennsylvania (herein the 15th Street facility). In 1961, the Employer opened its Lewisburg facility located on Route 15, which houses its primary manufacturing operations. Because the Employer wished to expand its operations and the Lewisburg facility was not amenable to expansion, the Employer opened the Beaver Springs facility in 1996. Prior to 1996, the 15th Street facility was still used partially as a warehouse. When the Beaver Springs facility opened, the materials stored at the 15th Street facility were moved to the warehouses at the Lewisburg and Beaver Springs facilities, and only the corporate offices remained at the facility on 15th Street. The Lewisburg facility is 26 miles from the Beaver Springs facility. It takes approximately 45 minutes to drive from one facility to the other.

The Chairman and Chief Executive Officer of JPM is John Mathis. The President and Chief Operating Officer is Jim Mathis. Reporting to the COO are five Vice Presidents, including Gary Lambert, Global Vice President of Operations. Under Lambert is the Pennsylvania Operations Director. Lambert is presently filling in in this position, which is currently vacant. There are six department managers under the Pennsylvania Operations Director, who, together with the Operations Director, make up the Employer's management team. These include materials manager Randy Sams; human resources manager Keith McNeil; quality manager Rob Stevens; engineering manager Felicia Lingafelt; Pennsylvania manufacturing manager Greg Mathis; and Ohio manufacturing manager⁶ Jim Heise. Additionally, technical resources

⁶ The Employer opened another facility in about the spring of 1999, located in Columbus, Ohio, about 300 miles from Lewisburg. This facility was opened at the request of one of its customers, Lucent Technologies, which wanted the Employer's operation to be near its own manufacturing facility in Ohio. Presently, there are only 10 to 12 employees working there. Lucent Technologies has not yet placed orders at that facility, so the Employer has been temporarily transferring some of its manufacturing from Pennsylvania to that facility to avoid laying off the employees there. The Employer also operates a

coordinator Clayton Hoover reports to Lambert. With the exception of Heise, these managers have offices located in Lewisburg, but have overall responsibility for both the Lewisburg and the Beaver Springs facilities, which collectively are called the Pennsylvania operations.⁷

The production and maintenance employees are organized into teams, which vary in size depending on the product line being manufactured.⁸ Each team chooses a team leader from within the group.⁹ The production teams report to manufacturing facilitators, who may have supervisory responsibility for several teams.¹⁰ The facilitators are the front line supervisors, reporting to the manufacturing supervisor. The facilitators issue discipline, solve employee problems, direct work and assist in the hiring and interview process.¹¹ The manufacturing supervisor is the highest level supervisor at each facility.¹² The facilitators and supervisor from each facility meet approximately once a week with the manufacturing manager.¹³ While the production and maintenance employees at both Lewisburg and Beaver Springs perform the same type of assembly work, they do not have any significant daily

facility in San Jose, California. Neither the Columbus, Ohio, nor the San Jose, California, facilities are at issue in the instant case.

⁷ It appears that the Employer implemented a management reorganization in the Spring of 1999, which resulted in the organizational hierarchy described herein.

⁸ The teams are sometimes organized by the customer and sometimes by the type of process being performed.

⁹ The team leaders are bargaining unit employees and possess none of the indicia of supervisory status.

¹⁰ Inasmuch as the facilitators have the authority to issue discipline, assign work, give time off and recommend hiring, I find that the facilitators are supervisors within the meaning of Section 2(11) of the Act, and therefore are excluded from the unit found appropriate herein.

¹¹ While both the manager and the facilitators take part in the hiring process, the record does not reflect the precise extent of their involvement in this process.

¹² Inasmuch as the manufacturing supervisors have the authority to discipline and assign work, I find that they are supervisors within the meaning of Section 2(11) of the Act, and therefore are excluded from the unit found appropriate herein.

¹³ The Employer operates two shifts at each facility, one daylight and one afternoon, and asserts that it would like to have a manufacturing supervisor present at each facility during each of those shifts. However, currently there are only two manufacturing supervisors, one at Lewisburg and one at Beaver Springs.

interchange or communication with each other. Both facilities run two shifts, with the first shift running from 6:30 a.m. to 3:00 p.m., five days per week, and the second shift running from 3:30 p.m. to 2:00 a.m., four days per week. The hourly pay scale is the same at both locations, involving five pay rates with ten steps within each, based on years of service. The employees are given the same breaks and carry the same type of company identification card. Thus, the two facilities run simultaneously and parallel to each other, but the vast majority of the employees in one location have no occasion to interact with the employees from the other location in the normal course of their work.¹⁴

Personnel policies, including benefits, are determined by the upper management at JPM for both facilities, but these are administered by a human resources administrator at each separate facility. Thus, all employees, not only the employees in the petitioned-for unit, receive similar benefits. These include the same health insurance benefits, vacations, holidays, retirement benefits, disability and life insurance, stock options, profit sharing and so forth. Each facility has a human resources administrator who reports to human resources manager McNeil.¹⁵ These two administrators, Jackie Varias at Lewisburg and Jacqueline Bilger at Beaver Springs, supervise assistants and benefits administrators in each of the two locations. At each facility, the human resources administrator and her staff are responsible for the day to day functions of their department, including keeping personnel records, discipline, staffing, administering benefits, and other such record keeping functions.

The employees of JPM also are subject to the work rules and policies set forth in a common employee handbook which are enforced by the facilitators and supervisors at the two separate locations. Consequently, each facility is responsible to keep track of and carry out the

¹⁴ There are a very limited number of exceptions to this, such as one truckdriver who carries some materials and mail between the facilities, and four test technicians who are based in Lewisburg but calibrate equipment at Beaver Springs on a weekly basis.

¹⁵ McNeil only began his employment for the Employer about one week before the hearing in this matter. Up until that time, the two human resources administrators from Lewisburg and Beaver Springs together dealt with all human resources issues for the Pennsylvania operations.

policies regarding attendance, parking, safety, discipline and so forth. The facilitators have the authority to discipline employees, and such discipline goes through the supervisor and ultimately the human resources administrator at each facility. While the disciplinary and other work related policies are devised by the central administration for both facilities, the enforcement of such policies on a daily basis are handled by supervision at each separate facility. In the last year, the Employer implemented a "Performance Sharing Plan", whereby employees are awarded time off if production goals are met. The figures which are used to compute the performance goals are a combination of the production numbers from both facilities.

Likewise, while work related policies and procedures are determined by the central administrators, much of the record keeping is handled at each separate location. Thus, timecards and payroll records are collected at each location and then sent to the central administration for processing. Personnel files are kept at each of the separate locations. Because the Employer has a computer software system for the Pennsylvania operations, inventory, purchasing, and other such information are recorded and tracked centrally. However, customer order information is stored at each facility separately. There is a central telephone system for both locations, and payroll, billing and other accounting procedures are handled centrally. Since both facilities perform identical work, there is one quality manual which delineates the processes and procedures for the entire manufacturing process.

Each location has its own warehouse facility, but, because both locations use the same types of materials, a truck runs daily between the two facilities to transfer any materials needed at one location that might be stored at the other.¹⁶ Because the newer facility at Beaver Springs has a larger warehouse than the one in Lewisburg, more of the materials are stored at Beaver Springs and transferred to Lewisburg as needed. The employees at both locations use the same kinds of tools in their work. However, at Lewisburg, the individual employees each

¹⁶ The truck also delivers intracompany mail from one facility to the other.

have their own tools and toolboxes, while at Beaver Springs the tools are not distributed individually. Rather, they are kept in the plant in communal bins. Each facility has its own shipping department.

Because the two facilities do identical work, customer orders can be transferred from one to the other if necessary, according to the volume of work at the two facilities. Thus, production orders have occasionally been shifted from one facility to the other. This has occurred only two or three times each year. The manufacturing manager, together with the manufacturing supervisors, discuss the production loads and make the decision as to where a given order will be manufactured. When a certain product line was moved from one facility to the other, teams of employees were sometimes sent to the other location to get the production started and to train the employees at the other facility as to how to produce that particular product. This occurred more frequently during the first year or two after the Beaver Springs facility was opened. When product lines were transferred, teams of employees, ranging from about three to twenty-five, temporarily moved to the other facility for periods of time ranging from one to about six weeks, to get the production line running. Once the production line was set up, most of these employees returned to their permanent location and the production was carried out by the employees at the location where the product line was moved.

There have also been instances where employees were temporarily transferred because work was slower at one facility, and available at the other. In May 1998, work was slow at Lewisburg, and fourteen employees were given the option of a temporary transfer to Beaver Springs rather than a layoff. Similarly, eight more were temporarily transferred in June 1998. These transfers were voluntary on the part of the employees involved. There were no further such transfers until June 1999, when nine employees were temporarily sent to Beaver Springs from Lewisburg.¹⁷

¹⁷ The Employer failed to present evidence with regard to job bidding and hiring when a position is open. Thus, the record does not reflect whether job openings are posted at one or both facilities, whether employees already employed at the facility where the opening occurs have priority in being awarded the job, whether or not there is a seniority list that is used for bidding on jobs, and if there is such a list, whether each facility has its own seniority list.

When employees are temporarily transferred from one location to another, they are paid a premium of \$1.50 per hour. As described above, the number of employees who have taken part in these temporary transfers has varied from about three to about twenty-five individuals, staying from about one to about six weeks. Since the fall of 1998, there have only been approximately nine employee transfers on a temporary basis. Additionally, there have been permanent transfers between the two locations. A large number of Lewisburg employees permanently transferred to Beaver Springs in 1996 when that facility opened. Including that group, a total of approximately 70 employees have transferred permanently from Lewisburg to Beaver Springs, and approximately 22 employees have transferred from Beaver Springs to Lewisburg. Rather than being mandatory, these permanent transfers were made at the request of the employees.

The Appropriate Unit

As previously stated, the Petitioner is seeking a unit of all production and maintenance employees at the Employer's Lewisburg facility only. The Employer, contrary to the Petitioner, contends that a single facility unit is not appropriate in this situation, and that the only appropriate unit is one which is composed of the Employer's production and maintenance employees at both the Lewisburg and the Beaver Springs facilities. In so arguing, the Employer asserts that the two locations are so functionally integrated that they have lost their separate identities and that the day to day interests of employees of the two facilities have merged. After reviewing the entire record, I disagree with the Employer and find that the presumption that a single facility unit is appropriate has not been rebutted herein.¹⁸

¹⁸ In its brief, the Employer cites Novato Disposal Services, Inc., 328 NLRB No. 118 (June 25, 1999) and Neodata Product/Distribution, Inc., 312 NLRB 987 (1993). In Novato Disposal Services, Inc., unlike the instant case, there was a high degree of both temporary and permanent interchange, and centralized supervision. Likewise, in Neodata Product/Distribution, Inc., unlike the instant case, there was a high degree of personal contact between the employees at the different locations as well as functional integration of the business process. Thus, these cases are inapposite to the facts in the present case.

It is well established that, when considering a multifacility operation, a single facility unit is presumptively appropriate, and therefore the burden of proving that this presumption has been rebutted is on the Employer herein. This presumption may be overcome by a showing of functional integration so substantial as to negate the separate identity of the single facility unit. R & D Trucking, Inc., 327 NLRB No. 103 (January 29, 1999); J & L Plate, Inc., 310 NLRB 429 (1993); Dixie Belle Mills, Inc., 139 NLRB 629, 631 (1962).

In J & L Plate, Inc., supra, the Board stated the test for determining the appropriateness of a unit consisting of a single plant of a multi-location employer. To determine whether the presumption of the appropriateness of a single plant has been rebutted, the Board examines such factors as central control over daily operations and labor relations, including extent of local autonomy; similarity of skills, functions and working conditions; degree of employee interchange; geographical distance between locations; and bargaining history, if any. R & D Trucking, Inc., supra; J & L Plate, Inc., supra; Esco Corporation, 298 NLRB 837, 839 (1990).

In applying these factors to the instant case, while the Employer does have centralized policies with regard to wages, benefits, rules, accounting and other administrative policies, the day to day operations function autonomously. The production employees are supervised by the facilitators, who report to the manufacturing supervisor in each of the separate locations. While the policies may be determined by upper management for both facilities, it is the facilitators and supervisors who carry them out. The facilitators and supervisors issue discipline, assign work, authorize time off, handle employee problems and grievances and are involved in the hiring process at the separate locations. It is these supervisory personnel who oversee the daily performance of the employees and the day to day operation of each facility.

Likewise, there is a human resources administrator at each facility, with a staff of employees under each administrator. These administrators store the personnel records of the employees at that facility, and handle the day to day operations regarding staffing, record keeping, benefits, compensation, and work related problems. Any employee problems go first through the facilitator, then to the supervisor, and then to the human relations administrator at

each facility. If the problem is so serious that it cannot be resolved at those levels, only then does it go to the central management team.

The Board has found that the existence of centralized administration and control of labor relations policies is not inconsistent with a finding that there exists sufficient local autonomy to support the single location presumption. D & L Transportation, Inc., 324 NLRB 160 (1997); Carter Hawley Hale Stores, 273 NLRB 621 (1984). The existence of centralized personnel policies or even the ultimate responsibility for such matters at a centralized source does not automatically negate the existence of local autonomy; the Board has repeatedly found single facility units appropriate despite uniform and centrally devised policies where such policies are implemented with autonomy by the local managers and supervisors. D & L Transportation, Inc., supra, at 162, fn. 8 and cases cited therein. In the instant case, while the policies are devised by the central administration of JPM, the local supervision at each separate location has autonomy in assigning work, discipline, evaluation of temporary employees, authorizing time off, handling grievances, and administering the entire human relations department functions.¹⁹ As a result, this factor does not weigh toward a finding that the single facility presumption has been rebutted.²⁰

With regard to similarity of skills and functions and working conditions, I find that the two locations are very similar. The products being manufactured at both locations are the same. The employees possess the same skills and do the same function at both facilities. Because of the centralized personnel policies, wage scales, schedules, quality procedures and other work related policies, the working conditions at both Lewisburg and Beaver Springs appear to be the

¹⁹ For example, when Greg Mathis was manufacturing manager at the Beaver Springs facility (a position that existed before the management reorganization in 1999), prior to his present position, he allowed the employees to play radios without headphones despite the central policy forbidding this. Thus, supervisors at each facility have some discretion in the enforcement of the Employer's rules.

²⁰ The Employer argues in its brief that the Employer's Performance Sharing Plan, which is based on the combined productivity of the two locations, is evidence of the integration of the two plants and the centralized control over labor relations. While it is true that the rewards under this plan are based on the productivity of the two plants, I do not find this argument persuasive. Merely because rewards are based on the productivity of more than one location does not establish the integration of the two facilities.

same. Thus, this factor does not necessarily support the presumption that a single facility unit is appropriate.

With regard to employee interchange, there is a certain amount of interchange between the two locations. However, upon careful scrutiny, this interchange does not support a finding that the single facility presumption has been rebutted. There have been permanent transfers of employees, starting with a large group in 1996 when the Beaver Springs facility opened. Since that time, there have been other permanent transfers, but these have been at the request of the individual employees. Further, the Board has found that permanent transfers are of less weight in an analysis of two facilities than evidence regarding temporary transfers. J & L Plate, Inc., supra; General Mills Restaurants, Inc. d/b/a Red Lobster, 300 NLRB 908 (1990).

There have also been groups of employees who have temporarily transferred from one plant to the other, usually to help transfer a product line to the other location. It appears that these groups moved as a team, set up the specific product line, trained the employees at the other facility and then returned as a group to their permanent location. These temporary transfers have occurred only a few times each year since 1996, and have involved a small percentage of the employees. The number of employees transferred temporarily has ranged from about three to about twenty-five at a time, and the amount of time spent at the other location averaged about one month, more or less. There were also a few instances, particularly in around June 1998, where a group of employees chose to transfer temporarily from Lewisburg to Beaver Springs rather than be laid off, when the work load was low at the Lewisburg facility. It is significant that the number of temporary transfers and the number of employees involved in such transfers decreased significantly since the summer of 1998. In the last year, the evidence indicates that only about nine employees took part in temporary transfers, in the summer of 1999. It is not clear why this decrease has occurred, but whatever the reason, the number of temporary transfers dropped dramatically in the last year. When the number of temporary transfers is compared with the total number of about 638 employees, that number is minimal,

and is insufficient to support the Employer's claim that a separate unit at Lewisburg is inappropriate.²¹

The Employer also argues that the transfer of product lines from time to time between locations is indicative of the Employer's functional integration of the Pennsylvania operations. The two facilities produce the same products, and the allocation of the orders appears to be determined at the central management level. However, the orders are manufactured at either one facility or the other, and there is no integration of the manufacturing process once that allocation is made. Thus, the two facilities are substantially separate operations, and the fact that products are sometimes allocated from one to the other does not indicate functional integration. Dixie Belle Mills, Inc., supra, at 631. Further, the fact that one truckdriver and four test technicians, in the normal course of their duties, move between the two facilities does not destroy the separate identities of the two operations. Id. at 631, fn. 3. Therefore, while the movement of production from one location to the other may provide the Employer with some efficiency in its operation, it does not establish the functional integration of the two facilities.

With regard to the distance between locations, that distance is about 26 miles, and the drive from one to the other takes about 45 minutes. Consequently, the distance factor does not support a finding that the single facility presumption has been rebutted. See D & L Transportation, Inc., supra; General Mills Restaurants, Inc. d/b/a Red Lobster, supra; Renzetti's Market, Inc., 238 NLRB 174 (1978).

The last factor, bargaining history, does not weigh in this analysis to support either position, since there is no bargaining history with regard to any of the employees of the Employer.

The Board discussed its position regarding appropriate units at length in Overnite Transportation Company, 322 NLRB 723 (1996). The Board stated that it is well-settled that

²¹ In J & L Plate, Inc., supra, the Board noted that a small percentage of employees transferring on a temporary basis does not support a rebuttal of the single facility presumption.

employees of an employer may be appropriately grouped in more than one way for the purposes of collective bargaining, and the Board's policy is to consider only whether the petitioned-for unit is appropriate. "There is nothing in the statute which requires that the unit for bargaining be the *only* appropriate unit, or the *ultimate* unit, or the *most* appropriate unit; the Act only requires that the unit be 'appropriate.'" Overnite Transportation Company, supra, quoting Morand Bros. Beverage Co., 91 NLRB 409, 418 (1950), enfd. on other grounds 190 F.2d 576 (7th Cir. 1951). Thus, a union is not required to seek the largest or most comprehensive grouping of employees, so long as the unit requested is an appropriate one. Overnite Transportation Company, supra.

Therefore, although some factors in this case favor the broader unit urged by the Employer, on balance, it cannot be said that the unit sought by the Petitioner is not an appropriate one for the purposes of collective bargaining. D & L Transportation, Inc., supra, citing Overnite Transportation Company, supra. Rather, the evidence presented does not establish that the longstanding Lewisburg facility has been so effectively merged into a larger, more comprehensive unit, or that it is so functionally integrated with the more recently opened Beaver Springs facility, that it has lost its separate identity. D & L Transportation, Inc., supra; J & L Plate, Inc., supra. Consequently, based on the above and the record as a whole, I conclude that the single facility presumption has not been rebutted herein and, thus, the petitioned-for unit of employees at only the Lewisburg facility is an appropriate unit.

Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees, including engineering technicians, employed by the Employer at its Route 15, Lewisburg, Pennsylvania, facility; excluding office clerical employees, temporary employees and guards, professional employees and supervisors as defined in the Act, and all other employees.

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the Regional Director among the employees in the unit set forth above at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations.²² Eligible to vote are those employees in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period and employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.²³ Those eligible shall vote whether

²² Pursuant to Section 103.20 of the Board's Rules and Regulations, official Notices of Election shall be posted by the Employer in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

²³ In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. Excelsior Underwear, Inc. 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969). Accordingly, it is hereby directed that the election eligibility list, containing the full names and addresses of all eligible voters, must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. The Regional Director shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional Office, Room 1501, 1000 Liberty Avenue, Pittsburgh, PA 15222, on or before October 25, 1999. No extension of time to file this list may be granted, except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

or not they desire to be represented for collective bargaining by United Food and Commercial Workers International Union, Local 38, AFL-CIO.

Dated at Pittsburgh, Pennsylvania, this 18th day of October 1999.

Gerald Kobell
Regional Director, Region Six

NATIONAL LABOR RELATIONS BOARD
Room 1501, 1000 Liberty Avenue
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440-1720-0133-0000`